

REMARKS

Claim 13 is amended to clarify that the claim is directed to a method of operating a receiver capable of playing a local broadcast signal and a national broadcast signal for providing a seamless transition between national broadcast information and local broadcast information by the receiver, see Fig. 1 and paragraph 0008. Claim 13 is further amended to clarify which of the method steps is performed by the receiver, see paragraph 0029. Claim 13 is also amended to more particularly point out that an available plurality of preferred local stations are downloaded to the receiver and that determining the availability of the chosen local station includes selecting the local broadcast signal for playing by the receiver, see paragraph 0021-0022. Claim 13 is further amended to more particularly point out that the time-slot interrupt is within the national broadcast signal, that the signal interrupt is within the local broadcast signal, and that if either the time-slot interrupt or the signal interrupt is present, the playing of the local broadcast signal is initiated by the receiver, see paragraph 0017.

Claim Rejections under 35 U.S.C. § 101

Claims 13-14, and 16-20 were rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Applicants respectfully submit that in view of the amendments to claim 13 showing which steps are performed ‘by the receiver’ or ‘to the receiver’, claim 13 now passes the machine-or-transformation test described in the January 7, 2009 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Guidance for Examining Process Claims in view of *In re Bilski*”, a follow-up to the May 15, 2008 memorandum cited in support of the rejection. Therefore, claim 13 is now tied to a

particular apparatus, a receiver. Claims 14 and 16-20 are dependant on claim 13, and so are also now tied to a particular apparatus.

Accordingly, it is respectfully requested that the rejection of the claims under 35 U.S.C. 101 be reconsidered and withdrawn, and that claims be allowed.

Claim Rejections under 35 U.S.C. § 103

Claim Rejection based on Goodwin in view of Lee '087 and Konisi et al.

Claims 13, 17, and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent Number 6,741,834 to Godwin in view of United States Patent Number 5,797,087 to Lee and United States Patent Number 6,181,921 to Konisi et al.

Applicants' method of controlling a receiver is directed to a receiver automatically selecting between a national broadcast signal and a local broadcast signal. The selection is based on the presence of either a time-slot interrupt within the national broadcast signal, or a signal interrupt within the local broadcast signal, see paragraph 0008. If either the time-slot interrupt or the signal interrupt is present, the receiver plays the local broadcast signal, see paragraph 0017. This arrangement allows the national broadcaster and local broadcaster to time-wise synchronize their respective broadcast programs so the listener hears a useful mixture of national and local information, and provides the local broadcaster with the ability to interrupt the national broadcast signal in the event of urgent local information such as a weather or traffic emergency, see paragraph 0024.

Godwin shows a system and method for receiving regional media programs transmitted by regional media providers, see column 1, lines 56-58. However, as acknowledged in the

Office Action, Goodwin does not show monitoring for a time slot interrupt or a signal interrupt and interrupting a national broad cast signal to play a local broadcast signal.

Lee '087 shows a method and apparatus for performing a preset listening operation where the user must preprogram the preset listening start time to select an alternate preset channel, see Abstract. In contrast, Applicants method monitors for interrupt signals from the broadcasters to determine if an alternate signal will be selected. Lee '087 does not monitor for a time-slot interrupt within the national broadcast signal or a signal interrupt within the local broadcast signal, and select between the two signals based on the presence of either interrupt.

Konisi shows a broadcast detector for a moving body that is preprogrammed with broadcast station data for selecting an alternate channel as the body moves out of one channel's broadcast area and into another channel's broadcast area, see column 2, lines 2-20. However, Konisi does not monitor for a time-slot interrupt within the national broadcast signal or a signal interrupt within the local broadcast signal and select between the two signals based on the presence of either interrupt.

Therefore, neither Godwin, Lee '087, Konisi, nor the combination of the references give any consideration to monitoring for a time-slot interrupt within the national broadcast signal or a signal interrupt within the local broadcast signal and select between the two signals based on the presence of either interrupt.

Claim 13 is directed to monitoring for a time-slot interrupt in a national broadcast signal or a signal interrupt in a local broadcast signal, detecting the time-slot interrupt or the signal interrupt for interrupting the national broadcast signal, and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal. Neither Godwin, Lee '087, nor Konisi teach or suggest monitoring for a time-slot interrupt in a national broadcast

signal or a signal interrupt in a local broadcast signal, and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of a the local broadcast signal. Thus, even the combination of Godwin, Lee '087, and Konisi does not point to the Applicants' apparatus in claim 13, or in dependent claims 17 and 19.

Accordingly, it is respectfully requested that the rejection of the claims based upon Goodwin in view of Lee'087 and Konisi et al. be reconsidered and withdrawn, and that claims are allowed.

Claim Rejection based on Goodwin in view of Lee '087 and Konisi et al. in further view of Alcock et al., Lee et al. '475, or Yuhara et al.

Claims 14 and 20 were rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent Number 6,741,834 to Godwin in view of United States Patent Number 5,797,087 to Lee and United States Patent Number 6,181,921 to Konisi et al. in further view of United States Patent Publication 2004/0198389 by Alcock et al.

Claim 16 was rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent Number 6,741,834 to Godwin in view of United States Patent Number 5,797,087 to Lee and United States Patent Number 6,181,921 to Konisi et al. in further view of United States Patent Number 6,829,475 to Lee et al.

Claim 18 was rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent Number 6,741,834 to Godwin in view of United States Patent Number 5,797,087 to Lee and United States Patent Number 6,181,921 to Konisi et al. in further view of United States Patent Publication 2004/0192189 by Yuhara et al.

Claims 14, 16, 18, and 20 are dependent on Claim 13. Claim 13 is directed to monitoring for a time-slot interrupt in a national broadcast signal or a signal interrupt in a local broadcast signal, detecting the time-slot interrupt or the signal interrupt for interrupting the national broadcast signal, and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal. For the same reasons given above, neither Godwin, Lee '087, nor Konisi teach or suggest monitoring for a time-slot interrupt in a national broadcast signal or a signal interrupt in a local broadcast signal, and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal.

Alcock et al. shows a method and a system for receiving a signal comprising information pertaining to a wide geographical area, and selectively extracting location specific information that applies to a self determined location of the receiver, see paragraphs 0007-0008. In contrast, Applicants method relies on interrupt signals from the broadcasters to determine if an alternate signal will be selected. Alcock does not teach or suggest monitoring for a time-slot interrupt in a national broadcast signal or a signal interrupt in a local broadcast signal, and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal.

Lee et al. '475 shows a multimedia device that tunes to stations according to their formats and recalibrates the stations according to the present geographic location of the vehicle, see column 6, lines 18-19 and column 14, lines 56-61. However, Lee et al. '475 does not teach or suggest monitoring for a time-slot interrupt in a national broadcast signal or a signal interrupt in a local broadcast signal, and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal.

Yuhara et al. shows a method of directing a datagram to a select group of receivers. However, Yuhara et al. does not teach or suggest monitoring for a time-slot interrupt in a

national broadcast signal or a signal interrupt in a local broadcast signal, and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of a the local broadcast signal.

Thus, even when Alcock et al., Lee et al. '475, or Yuhara et al. are combined with Godwin, Lee '087, and Konisi, the combination does not teach or suggest monitoring for a time-slot interrupt in a national broadcast signal or a signal interrupt in a local broadcast signal, and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal, as recited in claim 13 or in claims 14, 16, 18, and 20, dependent thereon.

Accordingly, it is respectfully requested that all of the rejections of the claims based upon Goodwin in view of Lee '087 and Konisi et al. in further view of either Alcock et al., Lee et al. '475, or Yuhara et al., be reconsidered and withdrawn, and that claims be allowed.

Conclusion

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



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